

MLM & BUSINESS OPPORTUNITIES

HOUSTON ONE STOP BUSINESS CENTER, P.O. Box 1562, Houston, Tx. 77251-1562; Ph. 713-247-2982

FROM: www.oag.state.tx.us/AG_Publications/txts/busop.shtml

Under the Texas Business Opportunity Act, a business opportunity is regulated by the law if:

It requires you, the buyer, to pay \$500 or more to start the business, AND the seller promises you will earn or are likely to earn a profit exceeding the initial investment, AND the seller promises any one of the following:

- * the seller will provide locations or help you find locations on property not owned by either you or the seller for the use of or operation of the products, equipment, supplies, or services the seller is leasing or selling;
- * the seller will provide a sales, production, or marketing program; this does not apply to businesses that have registered trademarks;
- * the seller will buy back any products, supplies, or equipment purchased, or any product made, fabricated, grown or bred by the purchaser using equipment or products sold or leased by the seller.

A business opportunity meeting these criteria must be registered with the Secretary of State before the seller advertises it or offers it for sale. The law also requires the principal seller to provide all of the following information to the Secretary of State.

Disclosure Requirement

Under the Texas Business Opportunity Act, the seller must provide you with the following information at least 10 days before you sign a contract or turn over any money to the seller:

- * The names and addresses of all persons affiliated with the seller in this particular business;
- * A copy of a current financial statement of the seller;
- * A complete description of the actual services the seller agrees to perform for the purchaser;
- * If training is promised, a complete description of the training, length of training, and cost of travel or lodging during the training;
- * If services are promised in connection with placement of equipment or products, the full nature of the services and the nature of agreements to be made with the owners or managers of business locations;
- * If the seller or his or her representatives have been adjudged bankrupt or have been subject to a judgment in a civil suit involving fraud or embezzlement during the past seven years, he or she must tell you;
- * If the seller makes representations about sales or earnings potential, he or she must disclose both the total number of people participating in the business opportunity for the past three years and the total number of people who have actually achieved the represented sales or earnings within the past three years.
- * Cancellation. The seller must give you the following statement in writing as part of the disclosure requirement: If the seller fails to deliver the product, equipment, or supplies necessary to begin substantial operation of the business within 45 days of the delivery date stated in your contract, you

may notify the seller in writing and cancel your contract.

Precautions

Promises are frequently made as a "come on" to sell the business opportunity by giving it the appearance of a no-lose proposition. But it is not that easy to set up a new business and make money. The more money the seller says you can make, the more you should investigate those claims for accuracy.

A legitimate seller will want to ask you many questions to see if you have a good opportunity for success. A legitimate seller will not be offended if you ask questions about successful participants in the business opportunity he or she is offering for sale. Many people have lost their entire investment by not checking first.

If the business opportunity seller promises purchasers that they are assured of making profit, he or she is required to secure a bond or trust account of \$25,000 in favor of the State of Texas. Before buying a business opportunity, check with the Secretary of State to see if the company is registered and whether such a bond has been filed.

Multi-Level Marketing (MLM)

Today, a popular type of sales program is "multi-level marketing" (MLM) or "network marketing." Many of these programs do not fall within the guidelines of the Texas Business Opportunity Act, so the sellers do not have to register with the Secretary of State or comply with the disclosure requirements. Such plans do offer people an opportunity to earn money and they should be evaluated just as closely as any other type of business opportunity.

Generally, MLM plans allow you to recruit salespeople for your own sales team, who then recruit additional members. You receive commissions from sales made by your team. Team members down the line also get commissions from members below them. There are many legitimate MLM operators in Texas. However, it is a field in which there are many shady operators and questionable sales programs. Some are nothing more than pyramid schemes.

Under the Texas Deceptive Trade Practices Act, you may not promote a pyramid promotional scheme. A pyramid promotional scheme is plan or operation by which a person gives consideration for the opportunity to receive compensation that is derived primarily from a person's introduction of other persons to participate in the plan or operation, rather than from the sale of a product by a person introduced into the plan or operation. This means that, for an MLM plan to be legal, commissions must come from the retail sale of a good and not from the recruitment of people to the sales team.

Besides being a civil deceptive trade practice, pyramid promotion is a state jail felony punishable by imprisonment in a state jail for up to two years and by a fine of up to \$10,000.00.

Tips to Help You Evaluate MLM's

- * Be skeptical of programs that can only be successful if new recruits continually join the sales organization. Are you required to recruit new people as a condition of joining the organization or can you earn money simply by selling the product?
- * Before you join, be sure the product offered is something for which there is a market. Ask what the average monthly retail sales are per salesperson. Be wary of anyone who tells you that you do not have to sell anything to make money. For it to be legitimate, commissions must come from the retail sales of goods, so at some point someone will have to sell something.
- * If the program you are considering does not provide distributors with a contractually enforcement right to a 90% refund of commercially resalable product within one year of the purchase of the product by the distributor, the program may be an illegal pyramid, not a multi-level distributorship.
- * Be extremely careful and wary of buying business opportunities out of weekend seminars given in local hotels or advertised on late night television infomercials. If you buy from a hotel seminar, you must be given a notice of a three day right to cancel.
- * Be wary of a sales pitch that includes promises of high rewards with little effort.

(GSP-07A.WPD, 9-04)

BUSINESS WARRANTIES

HOUSTON ONE STOP BUSINESS CENTER, P.O. Box 1562, Houston, Tx. 77251-1562; Ph. 713-247-2982

THE MAGNUSON-MOSS WARRANTY ACT (MMWA) PROVIDES SPECIFIC GUIDELINES FOR CONSUMER RELATED WARRANTIES. IT COVERS ALL WARRANTY TYPES, INCLUDING: IMPLIED, EXPRESS, FULL AND LIMITED. EXPRESS WARRANTIES AND ORAL REPRESENTATIONS ARE COVERED BY FEDERAL AND STATE LAW, INCLUDING THE TEXAS DECEPTIVE TRADE PRACTICES ACT (DTPA). CONTACT THE FEDERAL TRADE COMMISSION, OFFICE OF CONSUMER AND BUSINESS EDUCATION, AT 202-326-3650., AND ASK FOR THE BOOKLET, "WRITING READABLE WARRANTIES".

FOR MORE INFORMATION: www.ftc.gov/bcp/conline/pubs/buspubs/warranty.htm

SECTION 701.3 WRITTEN WARRANTY TERMS

Any warrantor warranting to a consumer by means of a written warranty a consumer product actually costing the consumer more than \$15 shall clearly and conspicuously disclose in a single document in simple and readily understood language, the following items of information:

The identity of the party or parties to whom the written warranty is extended, if the enforceability of the written warranty is limited to the original consumer purchaser or is otherwise limited to persons other than every consumer owner during the terms of the warranty;

A clear description and identification of products, or parts, or characteristics, or components or properties covered by and where necessary for clarification, excluded from the warranty;

A statement of what the warrantor will do in the event of a defect, malfunction, or failure to conform with the written warranty, including the items or services the warrantor will pay for or provide, and, where necessary for clarification, those which the warrantor will not pay for or provide;

The point in time or event on which the warranty term commences, if different from the purchase date, and the time period or other measurement of warranty duration;

A step-by-step explanation of the procedure the consumer should follow in order to obtain performance of any warranty obligation, including the class of persons authorized to perform warranty obligations. This includes the name(s) of the warrantor(s), together with: The mailing address(es) of the warrantor(s), and-or the name or title and the address of any employee or department of the warrantor responsible for the performance of warranty obligations, and-or a telephone number which consumers may use without charge to obtain information on warranty performance; Information respecting the availability of any informal dispute settlement mechanism elected by the warrantor in compliance with Part 703¹ of this subchapter;

Any limitations on the duration of implied warranties, disclosed on the face of the warranty as provided in Section 108¹ of the Act, accompanied by the following statement: *Some States do not allow limitations on how long an implied warranty lasts, so the above limitation may not apply to you.*

A statement in the following language: *This warranty gives you specific legal rights, and you may also have other rights which vary from state to state.*

¹ - Part 703 and Section 108 of the Act can be found in many libraries. Call the Houston Central Library at 713-236-1313 for details.

Many of the rules and regulations regarding warranties and the sales of goods or products also apply to warranties arising out of a service transaction. Express or implied warranties often arise out of a service provider's claim regarding the quality of a particular service being rendered. See information sheet on the Texas DTPA (included).

(GSP-07B.WPD, 3-05)

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IMPORT / EXPORT RESOURCES

HOUSTON ONE STOP BUSINESS CENTER, P.O. BOX 1562, Houston, Tx. 77251, Ph.: 713-247-2982

International Trade Resources

EXPORT-IMPORT BANK OF THE U.S. (EXIM BANK) 281-721-0467

www.exim.gov

1880 S. Dairy Ashford II, #585, 77077. An independent federal banking corporation established in 1934 to aid in financing exports & imports, as well as the exchange of commodities between the U.S. and foreign nations. It offers direct credit to borrowers outside the U.S. as well as export guarantees, export credit insurance, and discount loans.

INTERNATIONAL BUSINESS INFO CENTER, Greater Houston Partnership 713-844-3600

www.houston.org

1200 Smith St., #700, 77002. Intl. Trade Library has business publications and country-specific demographic and economic information.

INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE 713-454-8000

www.ita.doc.gov

500 Dallas, #1160, 77002. The ITA assists in exporting, including licensing, financing, statistics, analysis, and market research. The ITA is responsible for increasing the export of U.S. goods and services, and develops and provides to American exporters and investors comprehensive data and assistance in international trade. Request the pamphlet "Export Programs: A Directory of U.S. Government Resources". The ITA also publishes "Business America", a magazine detailing export opportunities. For information on Federal export resources, call the Trade Information Center (TIC) toll-free at 800-872-8723

INTERNATIONAL TRADE CENTER, UH SMALL BUSINESS DEVELOPMENT CENTER 713-752-8404

2302 Fannin, #200. The International Trade Center is a division of UH's Small Business Development Center which assists small and medium-sized Texas companies explore and develop business potential in world markets. The ITC offers consulting services, education, and access to international networking, e.g. trade missions, and seminars.

JETRO HOUSTON (JAPANESE EXTERNAL TRADE ORGANIZATION) (713-759-9595)

www.jetro.go.jp/usa/houston/

1221 McKinney, #4141, 77010. JETRO is a source of data and information for exporting to Japan.

PORT OF HOUSTON / HOUSTON FOREIGN TRADE ZONE 713-670-2604

www.portofhouston.com

P.O. Box 2562, 77252. The Port of Houston publishes a database of consulates, shippers, freight forwarders, and other relevant information for import/export. The Houston FTZ offers land and warehouse space suitable for appropriate zone uses. In addition, the Houston FTZ (713-670-2400) offers facilities and services for storage, transportation, and distribution of cargo and goods. Other area FTZ's include Galveston (409-766-6117), Beaumont (409-835-5367), Freeport (979-233-2667), Liberty County (936-592-8786), and Texas City (409-948-3111).

TEXAS DEPARTMENT OF AGRICULTURE, MARKETING DIVISION 512-463-7624

www.agr.state.tx.us

P.O. Box 12847, Austin 78711. The DOA Marketing Division provides counseling and information on international agricultural trade, including trade shows and missions.

TEXAS DEPT. OF ECONOMIC DEVELOPMENT (TDED)

512-936-0249, TDD: 512-936-0555

www.marketplace.state.tx.us

P.O. Box 12728, Austin 78711. The OTIR at the TDED exists to help position Texas as a globally competitive economic region. OTIR assists Texas businesses in gaining access to world markets through trade shows, facilitation of export counseling, trade leads, trade-related research and analysis, and partnerships with entities such as the U.S. Department of Commerce and

JETRO. OTIR also oversees the State of Texas office in Mexico City, which works to facilitate commerce between Texas and Mexican businesses.

U.S. CUSTOMS SERVICE OFFICE 281-985-6768

www.customs.treas.gov

1717 E. Loop 610, #406, 77029. The U.S. Customs Service enforces regulations on all goods brought into the U.S. The nature of the goods imported will determine which local, state, and federal agencies should be contacted. As a border enforcement agency, the U.S. Customs Service works closely with the international trade community and the transportation industry in implementing automated systems and techniques to expedite the flow of commerce across borders.

***TEXAS DEPT. OF ECONOMIC DEVELOPMENT NAFTA CENTER
(North American Free Trade Agreement) Information***

www.tded.state.tx.us/NAFTA/

The trade pact between the U.S., Mexico, and Canada provides for an initial reduction, and eventual elimination of tariffs between the countries over the next fifteen years. NAFTA works to eliminate trade barriers, e.g. tariffs, between the three countries to improve and expand the flow of goods, services, and investment between the trading partners.

NAFTA Certificate of Origin Forms may be obtained from the U.S. Customs Service office for a fee. The U.S. Department of Commerce reports that companies can use their own computer-generated NAFTA Certificate of Origin only if it has been submitted to and approved by the Customs Administration in the IMPORTING country prior to importation. Certificate of Origin records must be maintained for a MINIMUM of five (5) years after the date the Certificate was signed. It is important to choose a Customs Broker for importing, and a Freight Forwarder for exporting. They are listed in area Yellow Pages and are common in Texas' border cities.

Sources of Demographic or Statistical Information

**BUREAU OF BUSINESS RESEARCH
GREATER HOUSTON PARTNERSHIP
CITY OF HOUSTON PLANNING & DEVELOPMENT
HOUSTON CENTRAL LIBRARY
REGIONAL INFO & COMMUNICATION EXCHANGE
UH CENTER FOR PUBLIC POLICY**

**512-471-1616 University of Texas Business School
713-844-3600 World Trade Division
713-837-7701 Research Division
713-236-1313 Telephone Reference
713-528-3553 RICE University
713-743-3970 "DATAbook - Houston"**

RESOURCES FOR CITIZENS WITH DISABILITIES

HOUSTON ONE STOP BUSINESS CENTER, P.O.Box 1562, Houston, Tx. 77251
713-247-2982: RELAY TEXAS: 7-1-1

The Mayor's Office for People with Disabilities (MOPD) was created by City of Houston Code of Ordinance 2-2390 in 1993. The primary mission of this office is to make Houston the most accessible city in the nation by working to remove physical and attitudinal barriers at all levels of City government and throughout the greater Houston community. We accomplish this mission by:

- * Facilitating the delivery of city services to individuals with disabilities*
- * Assisting in the development of disability-related policy and legislation*
- * Providing training and technical assistance to public and private entities, regarding the needs and rights of individuals with disabilities*
- * Promoting community involvement through the Houston Commission on Disabilities and community outreach activities, and developing new programs to meet the needs of citizens with disabilities*

The MOPD promotes community involvement through partnerships with other governmental entities and organizations such as the Houston Commission on Disabilities (HCD). This community outreach service provides quality services, activities and events for people with disabilities throughout the City of Houston .

PHONE: 713.837.90 41 / **TTY:** 713.837.9040

WEB: www.houstontx.gov/disabilities/

ADA-RELATED SERVICES AND ORGANIZATIONS

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| ▶ U.S. TDD/TTY WEB DIRECTORY | www.fts.gsa.gov/frs/ttydir.htm |
| ▶ ADA HOME PAGE | www.ada.gov/ |
| ▶ ADA HELPLINE | 800-669-3362 |
| ▶ DISABILITY LAW RESOURCE PROJECT | 800-949-4ADA |
| ▶ HOUSTON CENTER FOR INDEPENDENT LIVING (HCIL) | 713-974-4621 (TDD Also) |
| ▶ JOB ACCOMMODATION NETWORK (JAN) | 800-526-7234 (TDD Also) |
| ▶ METROPOLITAN MULTI-SERVICE CENTER | 713-529-4711 (TDD: 713-529-4930) |
| ▶ ADVOCACY INC. (free legal services for disability related cases) | 713-974-7691 |
| ▶ U.S. DEPT. OF JUSTICE (business or govt facility complaints) | 800-514-0383 |
| ▶ INDEPENDENT LIVING RESEARCH UTILIZATION-ADA | 713-520-0232 (TDD: 713-520-5136) |
| ▶ UNITED WAY OF THE TEXAS GULF COAST | 713-685-2300 (TDD: 713-685-2773) |

TITLE I - EMPLOYMENT

WHO IS AFFECTED? Private employers, labor organizations, and labor-management committees. An "Employer" means a person engaged in commerce who has fifteen (15) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year. The following employment practices are covered: Recruitment, hiring, leave, promotion, training, lay-off, pay, firing benefits, and all other employment-related activities.

- ▶ **U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)** (713-653-3377, TDD: 713-653-3367) 1919 Smith St., 6th Floor. The EEOC administers ADA Title I, issues regulations, and publishes compliance manuals.
- ▶ **TEXAS GOVERNOR'S COMMITTEE ON PEOPLE WITH DISABILITIES** (512-463-5739, TDD: 512-463-5746). Austin, Tx. 78701. Provides FREE information and technical assistance on employment provisions of the ADA.

- ▶ **CAREER AND RECOVERY RESOURCES (Formerly VGS)** (713-754-7000, TDD: 713-754-7082) Specialists provide the following services at no charge: Job search skills, Practice interviewing, Job listings, Clerical skills testing, Resume preparation, and others.

TITLE II - STATE & LOCAL GOVT. OPERATIONS

(TITLE II PERTAINS TO ACCESSIBILITY OF GOVERNMENT AGENCIES, AND DOES NOT DIRECTLY AFFECT THE OPERATION OF PRIVATE BUSINESSES.)

TITLE III - PUBLIC ACCOMMODATIONS

WHO IS AFFECTED? All business and service providers providing goods, services, and facilities to customers. "Public Accommodations" include, but are not limited to: restaurants, hotels, day care centers, retail stores, recreation centers, gas stations, beauty salons, places of assembly, etc. (Note: Private clubs and religious organizations are exempt.) If an office is located in a residence and the customer needs access to the office, then the entrance, hallway and restroom must be accessible.

- ▶ **DEPARTMENT OF JUSTICE- ADA Information Line** (800-514-0301, TDD: 800-514-0383) The U.S. Department of Justice provides information about the Americans with Disabilities Act (ADA) through a toll-free ADA Info Line.
- ▶ **ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD** (800-872-2253, TDD: 800-993-2822). Provides copies of ADA Accessibility Guidelines required under Title III; the Uniform Federal Accessibility Standards (UFAS); and assistance on architectural, transportation, and communications accessibility issues.

TITLE IV - PUBLIC TRANSPORTATION

- ▶ **U.S. DEPARTMENT OF TRANSPORTATION** (202-366-1656, TDD: 202-366-4567) Provides regulations, technical assistance, and enforcement of provisions of the ADA.
- ▶ **METROPOLITAN TRANSIT AUTHORITY, METROLIFT PROGRAM** (713-635-4000, TDD: 713-635-6993) METRO provides transportation services to the disabled community. Inquire about routes, prices, and scheduling. www.hou-metro.harris.tx.us/services/metrolift.asp

TITLE V - TELECOMMUNICATIONS SERVICES

WHO IS AFFECTED? Businesses that regularly offer telephone service to the general public must offer telephone relay services to customers who use telecommunications devices for the deaf (TDD's) or similar devices. "TDD" means a telecommunications device for the deaf, which is a machine that uses graphics in the transmission of coded signals through a wire or radio system.

WHAT DOES THE PHRASE "TELECOMMUNICATIONS RELAY SERVICES" MEAN? Telecommunications Relay Services (TRS) are telephone services that assist hearing or speech-impaired persons to engage in communications by wire or radio with a hearing individual in a manner that is functionally equivalent to the conversation normally experienced by two hearing individuals. TRS enables two-way communication between an individual who uses a TDD machine and an individual who does not use such a device.

- ▶ **FEDERAL COMMUNICATIONS COMMISSION- FCC** (888-225-5322, TTY: 888-835-5322) Administers regulations and guidelines for businesses providing telecommunications relay services for hearing and speech-impaired individuals. **WEBSITE:** www.fcc.gov/dtf
- ▶ **RELAY TEXAS** (7-1-1). **WEBSITE:** www.puc.state.tx.us/relay/index.cfm

TAX CREDITS AND DEDUCTIONS

- ▶ **INTERNAL REVENUE SERVICE** (800-829-1040). Provides information and guidelines for employer compliance incentive programs. A fact sheet is available that gives businesses a summary of some of the federal, state and local incentives that employers can use when considering job applicants with disabilities. Call the IRS Forms Hotline at 800-829-3676 and ask for Publication 535 (Business Expenses). **WEBSITE:** www.irs.gov

ELIMINATING ARCHITECTURAL BARRIERS

THE INFORMATION BELOW IS PROVIDED BY THE TEXAS DEPARTMENT OF LICENSING AND REGULATION. THIS REQUIREMENT IS IN ADDITION TO ANY CITY AND COUNTY BUILDING PERMITS. IT DOES NOT APPLY TO PROJECTS EITHER VALUED AT LESS THAN \$50,000, OR DO NOT REQUIRE THE SERVICES OF A REGISTERED ARCHITECT OR ENGINEER.

FOR INFO ON THE TEXAS ACCESSIBILITY STANDARDS (TAS):
www.tdlr.state.tx.us/ab/abtas.htm

Legal Requirements

The state statute and the standards mandate accessibility in publicly and privately financed buildings and facilities, as well as facilities leased or occupied by state agencies. It applies to temporary or emergency construction in addition to permanent construction. Current application requires compliance at:

- ▶ Buildings and facilities constructed, or substantially renovated, modified, or altered, in whole or in part on or after January 1, 1970, through the use of state, county, or municipal funds, or the funds of any political subdivision of the state.
- ▶ Buildings leased or occupied in whole or in part for use by the state under any lease or rental agreement entered into on or after January 1, 1972.
- ▶ Privately funded buildings and facilities defined as public accommodations by the Americans with Disabilities Act of 1990, that are constructed or substantially renovated, modified, or altered on or after January 1, 1992.
- ▶ Privately funded buildings and facilities defined as commercial facilities by the Americans with Disabilities Act of 1990, that are constructed or substantially renovated, modified, or altered on or after September 1, 1993.

The statute requires that construction documents covering subject facilities be submitted for review prior to commencement of construction if the estimated construction costs are \$50,000 or more. Responsibility for submitting construction documents lies with architects, engineers and interior designers. In the absence of a registered design professional, the owner is responsible.

Failure on the part of a design professional to submit construction documents prior to commencement of construction will result in that fact being reported to the respective registration board. Buildings and facilities required to comply are subject to an on-site inspection after construction is complete. Failure on the part of a building owner to comply may result in administrative penalties not to exceed \$ 1,000 for each violation, per day.

Equivalency Certification from the U.S. Department of Justice

On September 23, 1996, the U.S. Department of justice certified that the Texas Accessibility Standards meet or exceed the new construction and alterations requirements of Title III of the Americans with Disabilities Act.

For Further Assistance

For more information, to file a complaint, obtain information on the department's educational programs, including the Texas Accessibility Academy or to request information in alternative formats, contact:

Texas Department of Licensing & Regulation
Architectural Barriers Section
PO. Box 12157
Austin, Texas 78711
(800) 803-9202
(512) 463-3211 (Austin)
(512) 475-2886 (Fax)
(800) 735-2989 (RelayTexas)

Copies of TAS can be purchased from the:

Office of the Secretary of State
Texas Register Division
PO. Box 13824
Austin, Texas 78711-3824
(512) 463-5561
(512) 463-5569 (Fax)
(800) 735-2989 (TDD)

For information on the ADA, call the U.S. Department of Justice at (800) 514-0301 or (800) 514-0383 (TDD). For information relating to the Federal Fair Housing Act, contact the Department of Housing and Urban Development at (202) 708-0836 or (800) 669-9777, or the Texas Commission on Human Rights at (512) 437-3450.

Historical Background

Texas law includes an Architectural Barriers Act, first adopted by the state legislature in 1969. The Texas Accessibility Standards (TAS) are standards adopted in 1993 by the Texas Department of Licensing & Regulation (TDLR) as a result of the amendments to the Act in 1991.

Compliance with the Texas Architectural Barriers Act and TAS is separate from compliance with the Americans with Disabilities Act (ADA) and the ADA Accessibility Guidelines (ADAAG).

The federal government enforces ADA and the Rehabilitation Act of 1973. TDLR enforces the Texas Architectural Barriers Act.

TDLR's Responsibilities

Prior to the start of construction TDLR plan reviews construction documents for compliance with accessibility standards. Upon completion, TDLR inspects the facility to ensure that it was built as planned. TDLR investigates the consumer accessibility complaints and enforces the standards through administrative hearings.

(GSP-09A.WPD, 7-04)

SAMPLE BUSINESS PLAN OUTLINE

The following is a sample, condensed version of an acceptable business plan format. Many financial institutions require a complete business plan as part of the lending determination. There are many plan formats which can be used.

I. COVER LETTER TO LENDER

- A. Dollar amount requested
- B. Terms and timing
- C. Type and price of securities

II. PLAN SUMMARY

- A. Business description
 - 1. Name
 - 2. Location and plant description
 - 3. Product
 - 4. Market and competition
 - 5. Management expertise
- B. Business goals
- C. Summary of financial needs and application of funds
- D. Earnings projections and potential return to investors

III. MARKET ANALYSIS

- A. Description of total market
- B. Industry trends
- C. Target market & geographic considerations
- D. Competition

IV. PRODUCTS OR SERVICES

- A. Description of product line
- B. Proprietary position: patents, copyrights and legal and technical considerations
- C. Comparison to competitor's products

V. MANUFACTURING PROCESS (if applicable)

- A. Materials
- B. Sources of supply
- C. Production methods

VI. MARKETING STRATEGY

- A. Overall strategy
- B. Pricing policy
- C. Sales terms
- D. Method of selling, distributing, and servicing products

VII. MANAGEMENT PLAN

- A. Form of business organization
- B. Board of directors composition (if applicable)
- C. Officers: organization chart and responsibilities
- D. Resumes of key personnel
- E. Staffing plan / number of employees
 - 1. Payroll and benefits costs
- F. Facilities plan / planned capital improvements
- G. Operating plan / schedule of upcoming work for next one-five years
- H. Government regulations affecting the business

VIII. FINANCIAL DATA

- A. Financial history (five years to present)
- B. Five year financial projections (first year by quarters; remaining years annually)
 - 1. Profit and loss statements
 - 2. Balance sheets
 - 3. Cash flow chart
 - 4. Capital expenditure estimates
- C. Explanation of projections
- D. Key business ratios
- E. Explanation of use and effect of new funds
- F. Potential return to investors compared to competitors and the industry in general

(GSP-08BP-WPD; 7-98)